IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Civil Revision No.6391 of 2007

Date of Decision: 11.12.2007.

Nirmal Kaur **.....Petitioner.**

Versus

Gram Panchayat Village Mewa Singh Wala and others

.....Respondents.

CORAM: HON'BLE MR.JUSTICE RAJESH BINDAL.

Present: Mr.Rakesh Kumar, Advocate, for the petitioner.

RAJESH BINDAL, J.(Oral)

Learned counsel for the petitioner submits that the suit filed by the Gram Panchayat itself is not maintainable. However, the petitioner has not raised such a plea in any application filed before the learned Trial Court, hence such a plea cannot be entertained directly by this Court.

Present revision petition is against an interim order passed under Order 39 Rules 1 and 2 CPC, which is appealable before the District Judge.

Learned counsel for the petitioner states that he may be given permission to withdraw the petition with liberty to file appeal before the District Judge against the impugned order alongwith an application for condonation of delay as the appeal would now be time barred.

Dismissed as withdrawn with liberty as prayed for. In case such an application is filed, the same will be considered by the Court on its merits.

Copy of the order be given dasti on payment of usual charges.

December 11, 2007 (RAJESH BINDAL)
seema JUDGE